

CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

---

United States of America,	)	
	)	
Plaintiff,	)	
	)	CR15-00707-PHX-SRB
vs.	)	Phoenix, Arizona
	)	March 11, 2016
Abdul Malik Abdul Kareem,	)	
	)	
Defendant.	)	
	)	
	)	

---

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE  
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS  
GOVERNMENT CLOSING ARGUMENT  
JURY TRIAL - DAY #16

**APPEARANCES:**

**For the Government:**

U.S. ATTORNEY'S OFFICE  
By: **Kristen Brook, Esq.**  
**Joseph Edward Koehler, Esq.**  
40 North Central Avenue, Suite 1200  
Phoenix, AZ 85004

**For the Defendant Abdul Malik Abdul Kareem:**

MAYNARD CRONIN ERICKSON CURRAN & REITER PLC  
By: **Daniel D. Maynard, Esq.**  
**Mary Kathleen Plomin, Esq.**  
3200 North Central Avenue, Suite 1800  
Phoenix, AZ 85012

**Official Court Reporter:**

Elizabeth A. Lemke, RDR, CRR, CPE  
Sandra Day O'Connor U.S. Courthouse, Suite 312  
401 West Washington Street, SPC 34  
Phoenix, Arizona 85003-2150  
(602) 322-7247  
Proceedings Reported by Stenographic Court Reporter  
Transcript Prepared by Computer-Aided Transcription

CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

E X C E R P T O F P R O C E E D I N G S

THE COURT: Mr. Koehler, you may make your closing argument.

MR. KOEHLER: Thank you, Your Honor, and good morning everyone.

I would like to begin by taking a minute to thank you all for your attentiveness throughout this trial.

Jury service is always a challenge and is especially a challenge in a case that lasts as long as this one has and as complex as this one has been. So thank you on behalf of the trial team in this case.

We are here to talk about this case that involved this attack in Garland, Texas, on May 3 of 2015.

I'm not going to spend a lot of time talking about the events as they happened specifically in Garland, simply because that evidence is clear and undisputed in this case.

Elton Simpson and Nadir Soofi drove to Garland, Texas, with the intent to commit mass murder against the people who were attending the Draw Muhammad Contest at the Curtis Coldwell Center there in Garland, Texas.

They showed up, pulled out their guns, and thankfully, Officer Gregory Stevens was alert and was well trained and he stopped that attack right there before it got into the Culwell Center.

The ultimate questions that are before you in this

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 case are really just two: Did the defendant Abdul Malik Abdul  
2 Kareem know that Elton Simpson, who everybody knew as  
3 "Ibrahim," and Nadir Soofi were planning to conduct those  
4 attacks in support of ISIS, not just the Garland attack, but  
5 the other things that they planned to do -- and we'll talk  
6 about that in a minute.

7 The second thing is: Did he encourage or help them  
8 or join them in those plans?

9 I'm going to get into detail in a moment, but first  
10 off, the government has proven in this case beyond a  
11 reasonable doubt that the defendant knew that Elton Simpson  
12 and Nadir Soofi were ISIS supporters.

13 He knew himself. You heard it in his interview  
14 statements and his post-arrest statements that were recorded.  
15 You heard it from Juan. You heard it from Carlos. From  
16 Stefan Verdugo. From AK Wahid. You also heard it from  
17 Abdullah Mubarak when he talked about their arguments about  
18 the existence of a Khalifah. And you also heard it from Ali  
19 Soofi.

20 He also knew that they had planned to conduct  
21 attacks. Sergio Martinez told you about how he was pushy  
22 about going shooting. Abdul Khabir Wahid told you about how  
23 he talked to the defendant -- and he's a defense witness, by  
24 the way -- talked to the defendant about the fact that Simpson  
25 and Soofi had planned to go attack a Marine base.

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 Nathaniel Soofi told you about how his father Nadir  
2 told him about different attacks that he planned to conduct,  
3 not just the Garland contest, but running over soldiers at  
4 Luke Air Force Base and going and attacking a base, a  
5 recruiting station.

6 Stefan Verdugo. He told you how the defendant wanted  
7 to be a part of the Garland attack. He tried to talk the  
8 defendant out of that.

9 Juan. He told you about how the defendant wanted to  
10 strap a bomb to himself and go blow himself up in a mall and  
11 also about the Garland contest as well.

12 And you have Carlos telling you from the witness  
13 stand that the defendant was considering providing an AK47 to  
14 Elton Simpson for protection.

15 Also, his actions following the attack. His efforts  
16 to cover up his involvement and his closeness to Elton Simpson  
17 and Nadir Soofi are evidence of his knowledge of what they  
18 were doing.

19 He also helped. He helped them acquire firearms. He  
20 loaned money for the AK47 and the AK47. And Stefan Verdugo  
21 also told you that the defendant gave Elton Simpson the .357  
22 that Elton Simpson had in the pocket of his pants when the  
23 Garland attack occurred. And we'll get into that in more  
24 detail.

25 He took them shooting to a secluded location. He

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 went shooting with them in the desert; not just the times that  
2 Sergio told you about, but also the times that Ali Soofi told  
3 you about and Stefan Verdugo.

4 He helped them maintain their firearms. Taught them  
5 how to take them apart, clean them, lubricate them, put them  
6 back together. He also provided ammunition that was taken  
7 with them to the attack. And, again, we'll get into more  
8 detail on this, but he admitted buying that ammunition for  
9 himself during his post-arrest interview. And the lot numbers  
10 on the ammunition found in Garland, found in the Simpson and  
11 Soofi apartment, and found in Mr. Kareem -- Abdul Kareem's  
12 apartment all matched. That's that .38 Special ammunition.

13 What was the defendant's role? He was a motivator.  
14 He was a bank roller. He was a trainer and an intended  
15 participant. Let's walk through the charges that you have  
16 here and then we'll go into the detail on a couple of them  
17 first and then in more detail later on the others.

18 The first charge is conspiracy to transport firearms  
19 in interstate commerce with intent to commit a felony.

20 The second is aiding and abetting the actual  
21 transportation of the firearms in interstate commerce with the  
22 intent to commit a felony.

23 The third charge is false statements to the FBI.

24 The fourth charge is felon in possession of a  
25 firearm.

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 And finally, the conspiracy to provide material  
2 support to a foreign terrorist organization.

3 Before we go further, I want to knock out the easiest  
4 charge in this case, the "felon in possession" charge. That  
5 charge has three elements.

6 First, that the defendant knowingly possessed the  
7 Taurus model 85 Ultralite .38 caliber revolver and/or the  
8 Tanfoglio model Witness 9 millimeter pistol with all of you  
9 agreeing on which firearm he possessed.

10 Well, in this case you have the evidence that the  
11 Tanfoglio was found in the couch of his apartment. It had his  
12 fingerprint on it. And later the defendant admitted from the  
13 witness stand that that was his gun.

14 The .38 Special was in the defendant's bag in the  
15 back of the U-Haul truck that he was driving, his moving  
16 truck. And he admitted from the stand that that was his gun.  
17 You also heard from Sean Raper that he had purchased that gun  
18 from Mr. Raper directly.

19 Those firearms were transported and shipped in  
20 interstate commerce and they were also imported into the  
21 United States from a foreign country, both guns. One came  
22 from Brazil, the Taurus. The Tanfoglio, the 9 millimeter,  
23 came from Italy. Both imported to Florida and both had to  
24 have come from Florida to the State of Arizona, and therefore,  
25 crossed state lines.

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 Finally, the defendant's felony conviction. You have  
2 Exhibit 139, his felony conviction for Aggravated DUI. You  
3 also have his admission from the witness stand that he has not  
4 one, but two felonies.

5 So there you have all of the elements of Felon in  
6 Possession of a Firearm.

7 The Conspiracy to Provide Material Support is really  
8 the heart of the case in this case. All of the evidence that  
9 supports the "material support" charged in this case drives  
10 the existence of proof on the other counts and establishes the  
11 other counts beyond a reasonable doubt, just like it does the  
12 material support conspiracy.

13 That conspiracy began sometime between June of 2014  
14 and ran through May 3 of 2015 with the failed attack in  
15 Garland, Texas.

16 It was an agreement between two or more people to  
17 provide material support or resources to ISIL, also known as  
18 ISIS.

19 The defendant became a member of that conspiracy  
20 knowing of its unlawful object and intending to accomplish it.

21 These are the rest of the elements:

22 The government has to prove that ISIL was a  
23 designated foreign terrorist organization.

24 In this case you have a stipulation that that's a  
25 fact, that ISIL was, in fact, a designated foreign terrorist

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 organization.

2 You have evidence -- and we will get into this --  
3 that the defendant knew that ISIL engaged in terrorist  
4 activity or terrorism.

5 And, of course, the offense occurred in the United  
6 States.

7 All of the proof that you have seen here in this  
8 courtroom is about conduct and activity that occurred in the  
9 State of Arizona and the State of Texas.

10 Here is the definition of "material support or  
11 resources." It includes any service, including currency or  
12 monetary instruments, training, facilities, weapons,  
13 personnel, which can be one or more individuals who may or may  
14 not include oneself, and transportation.

15 "Any service" includes service in the form of a  
16 violent attack within the United States, whether it be  
17 strapping a bomb to oneself and detonating inside of a mall,  
18 attacking a sporting event, attacking a U.S. military base or  
19 U.S. military personnel, or attacking the Draw Muhammad  
20 Contest.

21 Training. "Training" is instruction or teaching  
22 designed to impart a specific skill as opposed to general  
23 knowledge. That would include shooting practice, firearms  
24 maintenance, disassembling, cleaning, lubricating, and  
25 reassembling a firearm. All critical to how you make a



## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 firearm continue to operate and not jam.

2 "Personnel." You have to have an agreement to  
3 provide one or more individuals who may include any of the  
4 co-conspirators to work under the terrorist organization's  
5 direction or control. Importantly, individuals who act  
6 entirely independently of the terrorist organization are not  
7 considered to be working under its direction or control.

8 But if they are doing anything that submits  
9 themselves to the terrorist organization's directions or  
10 control, they are, in fact, conspiring to provide personnel.

11 Let's talk about "aiding and abetting" for a minute.  
12 The defendant is guilty of conspiracy, even if he didn't  
13 directly become a member of the conspiracy. In other words,  
14 let's say, for instance, that Simpson and Soofi had a  
15 conspiracy and they didn't really consider the defendant to be  
16 part of their plans but he knew of their plan. He knew what  
17 their conspiracy was and he intended to help them in  
18 committing that conspiracy. He's guilty as though he did it.

19 If one person knows that another person is committing  
20 a crime and chooses to help that person and has the intent to  
21 help them succeed in committing the crime, the person who  
22 helps is as guilty as though they did the crime themselves.

23 We have to prove the conspiracy existed, that he  
24 aided, counseled, commanded, induced, or procured, in other  
25 words, helped or encouraged them, and that he acted with

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 intent to facilitate that conspiracy.

2 And finally, he has to have acted before the  
3 conspiracy ended, which is May 3 of 2015.

4 All right. Let's talk about what that conspiracy  
5 was. It was a violent jihad. It's not just one thing. It's  
6 a series of things. Travel to the Middle East. Hijra.

7 You'll hear more about that in a moment.

8 Attacking the Super Bowl or West Gate or another  
9 shopping mall. Attacking U.S. military personnel such as  
10 Major Fedoruk whose name was in that notepad, recruiting  
11 station or soldiers near a base. Again, making an attack  
12 within the United States against these types of things is  
13 violent jihad on behalf of ISIL.

14 Finally, attacking the Garland contest. Those are  
15 all violent jihad plans.

16 You have to have two or more people to have a  
17 conspiracy. Well, first off, you have two right away; Simpson  
18 and Soofi who are both dead in the street in Garland. But you  
19 also have the defendant. You also have other people with whom  
20 they were communicating; specifically, Junaid Hussan, Miski,  
21 and you saw Simpson's direct messages with both of them in his  
22 Twitter feed, and others known and unknown as alleged in the  
23 Indictment that you heard in the beginning of the case.

24 What is the evidence of the agreement? First off,  
25 you have them watching these ISIL videos both in their

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 apartment and in the defendant's house. And you have Sheikh  
2 Adnani's call. Remember, he's the official spokesman for ISIS  
3 and we'll get to that in more detail later.

4 And he made a call to either travel to the United --  
5 or to the Islamic State to commit hijra and join the Islamic  
6 Army; or if you can't get here, he said, conduct attacks in  
7 your homeland, kill people by any means necessary, whether  
8 you're stabbing them, shooting them, hitting them on the head  
9 with a rock, or running them over with a car.

10 You have Elton Simpson researching travel to the  
11 Islamic State, the hijra. And you have that Exhibit 47. It  
12 will be in the JERS system. You're going to have a TV screen  
13 with a computer attached to it that will let you look at all  
14 of these exhibits.

15 One of the things that he had in that white Samsung  
16 Galaxy phone is Exhibit 47, a publication called Hijra To The  
17 Islamic State. It explains who to contact, where you need to  
18 go, and how to get there.

19 You also have him downloading information about U.S.  
20 military members from the Islamic State Hacking Division and  
21 then writing down Major Fedoruk's information in the notebook,  
22 again, showing that this is what their agreement is.

23 And finally, you have the ISIS flags at the Garland  
24 scene which are on the table here in front of you. That's  
25 what they took with them when they went to go conduct that

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 attack because they wanted to announce to the world: We're  
2 here on behalf of ISIS.

3 Let's talk about that hijra for a moment. First, you  
4 have items that tie Mr. Kareem to knowing about that plan; and  
5 that is, Mr. Simpson's e-mail to Mr. Kareem about travel  
6 restrictions. You heard Mr. Kareem announce from the stand  
7 that, oh, he just forwarded that e-mail to me to print.

8 I'm going to show you something in a minute that  
9 shows the lie in that statement.

10 I got way ahead of myself.

11 Okay. Sorry about that. I hit the wrong button.

12 The LG 440 phone from the Simpson and Soofi  
13 apartment, again, has information about hijra to the Islamic  
14 State. And specifically, there's photos about -- there's  
15 photos of another telephone in which texts were being  
16 exchanged about traveling to Bulgaria and then going to Sabiha  
17 Gokcen Airport in Turkey which is very near the Syrian border  
18 in order to get into Syria and join the Islamic State.

19 You have the reference to the same notebook. It's  
20 written on the top of one of the pages in that notebook from  
21 Garland and you have a photocopy of that page that is in  
22 evidence. And then you have Nathaniel Soofi, a defense  
23 witness, telling you how his dad Nadir Soofi was intending to  
24 travel to the Middle East to join the Islamic Army.

25 All right. Let's look at that e-mail here.

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1           On the right you have an e-mail from Andrea Olguin  
2           who is a probation officer to Elton Simpson. July 24, 2014.  
3           And you'll have this in the JERS system, so you'll be able to  
4           look at the whole thread.

5           But Elton Simpson had sent her an e-mail asking about  
6           travel restrictions because he couldn't board a plane two  
7           years earlier to go see his grandmothers when they passed  
8           away, in wanting to know: Is there something going on that's  
9           stopping me from traveling?

10           This is in July 2014, right after the announcement of  
11           a Khalifate in the Islamic State.

12           She responds back to him letting him know, no,  
13           there's not any restrictions on your travel. You just need to  
14           give me ten days' notice before you travel and get permission.  
15           And she says that international travel is different and you'll  
16           have to communicate with me about that.

17           That's back in July of 2014. When does he send this  
18           to the defendant? Well, first, he sends it from his Yahoo  
19           account verily there signs it Yahoo.com. He forwards that to  
20           his personal Gmail account, the "ibrahimibrahim602" account,  
21           walling it off, and then forwards it on to Abdul Malik Abdul  
22           Kareem at his "gitrdonemoving" e-mail on November 9th.

23           You mean he could not have printed that e-mail if he  
24           really needed to print it for some reason between July 24 and  
25           November 9? What's the significance of that?

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1           This puts him in the time frame where he is studying  
2       hijra to the Islamic State. It's also after the announcement  
3       by Sheikh Adnani of the call for people to travel to the  
4       Islamic State and fight on behalf of the Islamic State. He's  
5       letting Abdul Malik Abdul Kareem know that he has problems  
6       with international travel.

7           You also have the research into going there and this  
8       is the communication:

9           But when you get a flight from Bulgaria you get a  
10      flight to Sabiha Gokcen Airport not the Ataturk, in other  
11      words, a different airport in Turkey.

12           Bless you.

13           The next text message is just as important:

14           You're not one way. You're have a trip both ways to  
15      IST and back from Bulgaria.

16           Why? Because these folks know that law enforcement  
17      and intelligence agencies are looking for people engaged in  
18      one-way travel to areas that are near Syria. They are on the  
19      lookout and they're being advised here how to get in without  
20      being detected.

21           Let's talk next about his conversations with Mujahid  
22      Miski. He's still thinking about how he might get there  
23      despite the travel restrictions.

24           Mujahid Miski tells him:

25           You will lose an opportunity to do something good

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 like Hijra. Then you'll be saddened over the loss of that  
2 great opportunity and you'll miss out of a lot of Ajar -- in  
3 other words "reward" -- because of that. Allah will hold you  
4 back from doing so, so that you can get another opportunity  
5 for a better place with greater Ajar. The time between the  
6 two H's is a bit long -- again referring to "hijra." It's not  
7 going to be as soon as you lose the first opportunity. It's  
8 going to be a bit later.

9 He said it will happen again. Insha Allah, meaning  
10 "God willing," but to a better place.

11 And then Elton Simpson -- and this is a really  
12 important thing, because it shows his intention to place  
13 himself under the guidance and control of the Khalifah, and  
14 specifically, to do things on behalf of the Islamic State.

15 When Sheikh Adnani gives a public address, can we  
16 assume this is what Al Khalifah wants as well? Seeing that  
17 Adnani is the spokesman and seeing that Al Khalifah hasn't  
18 come out to correct what Sheikh Adnani is saying.

19 Miski responds:

20 Yes akhil Kareem, Adnani never speaks unless he's  
21 been ordered by the khalif of the Muslims. He can never speak  
22 without the order of the Khalif.

23 They go on from here:

24 Maybe then it's possible that the ajar is in what he  
25 has said earlier.

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 Again, referring back to that call for attacks in the  
2 United States if you can't make hijra to the Islamic State.

3 And Afwan the Sheikh said Allah will hold you back  
4 for something far better in Ajar than the last time. It could  
5 be H or something else.

6 Akhi yes, matter of fact, that is far better in Ajar  
7 than hijra is right now. In other words, the Sheikh is  
8 telling you, attacking in your homeland and placing fear in  
9 the hearts of your people in your homeland is far greater in  
10 Ajar than traveling to the Middle East and committing hijra  
11 there.

12 Now, let's talk about Kareem's knowledge that ISIL is  
13 a terrorist organization, in other words, engaged in terrorist  
14 activity.

15 Simpson and Soofi played those ISIL videos regularly;  
16 the beheadings, the mass executions, the people riding around  
17 in trucks armed, the motivational videos showing people being  
18 killed allegedly by U.S. troops, innocent people being killed  
19 in the Middle East in order to get people fired up.

20 Mr. Abdul Kareem is interviewed, admitted having seen  
21 on Mr. Simpson's phone that ISIL video of the Jordanian pilot  
22 being burned alive. That's in Exhibit 422 and I'll play that  
23 in a second.

24 In addition, he played those same types of videos  
25 himself. You heard it from the boys Juan and Carlos. You



## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 heard it from Stefan Verdugo. And you heard from Ali about  
2 him watching those same videos in the Simpson and Soofi  
3 apartment.

4 So this is what he had to say about that Jordanian  
5 pilot video.

6 (Playing an excerpt of Exhibit No 442 to the jury.)

7 MR. KOEHLER: All right. Let's go on from there.

8 So he admits right there that he saw that Jordanian  
9 pilot being burned alive in the cage on Elton Simpson's phone.  
10 He also admitted knowing that Simpson and Soofi had been  
11 looking at terrorist materials.

12 This is in Exhibit 412, again, part of his  
13 post-arrest interview. He said:

14 I be looking at them, like, you know what, leave,  
15 like, you know, like getting on the Internets and stuff like  
16 that. I'd be like you guys are stupid. Get off that stuff.  
17 You know what I mean. You already got in trouble before for  
18 that, you know what I mean.

19 And then here is the context for that. Remember back  
20 in 2012, the raid at the Vista house where they took his  
21 Lenovo laptop?

22 Ibrahim would come about once or twice a week. This  
23 was over off of Vista. This was on Vista and we wind up  
24 staying over there. And then after they move to Cochise he  
25 started getting on the computer, looking at different videos,

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 and I wasn't with all that stuff with them watching those  
2 videos and everything, so I told them they had to leave.

3 That's what he said again in his June 10, 2015  
4 post-arrest interview about having seen Elton Simpson and  
5 others looking at these terrorist materials. So he knew  
6 exactly what was going on with these folks.

7 More knowledge of the conspiracy.

8 He admitted that he knew Simpson and Soofi wanted to  
9 travel to the Middle East to support ISIS.

10 Here is what he said in his June 10, 2015 recorded  
11 interview, and that is Exhibit 411.

12 I heard them say stuff but I never -- I don't know  
13 what they -- they basically was talking about leaving. Do you  
14 know what I mean?

15 Here is the important part.

16 They basically were going to get out of here and go  
17 to the Dola.

18 Now, Agent Whitson explained to you that the Dola is  
19 a reference to al dala, the word dala being the "D" in diash,  
20 the Arabic acronym for the Islamic State.

21 But I don't know where that's at, you know what I  
22 mean?

23 So he knew they wanted to travel and to fight on  
24 behalf of a terrorist organization.

25 You also have Abdullah Mubarak talking about his

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 conversations here on the witness stand with Mr. Abdul Kareem.

2 So you said back to him: There's no Khalifah.

3 Right.

4 The last was the Prophet Muhammad.

5 Right.

6 And presently there is no Khalifah.

7 Right.

8 And then you mentioned him pushing back and saying:

9 There is a Khalifah.

10 Well, you know, I guess he must have thought that  
11 there was a Khalifah, but I clearly told him: Ain't no  
12 Khalifahs.

13 And then later he answers a question -- answers a  
14 question about whether the defendant brought that up at other  
15 times.

16 Quite a few different times, you know, but, you know,  
17 I kind of let him, you know, look, ain't no such thing.  
18 There's no Khalifah. Ain't going to be none.

19 And I said: I didn't even want to talk about, you  
20 know, kind of sway me. It's your beliefs, you know what I  
21 mean?

22 He had to call his son to get his son to tell Abdul  
23 Malik Abdul Kareem that there's no Khalifah.

24 Now, who has a Khalifah? Only one group in the  
25 terror world right now in the Islamic world is claiming to of

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 a Khalifah in modern times and that's ISIL. You heard that  
2 from Evan Kohlmann. You heard that from others in this case.

3 Okay. Let's talk about some of the witnesses who  
4 knew Mr. Abdul Kareem. You have Carlos. You have Juan.  
5 Stefan Verdugo. Sergio Martinez. Nicole Medellin. Giovanni.  
6 Abdullah Mubarak. Ali Soofi. Nathaniel Soofi. And AK Wahid.

7 Let's talk about Carlos first.

8 He was an eighth grade student. He knew the  
9 defendant through his older brother for about a year. His  
10 interactions with the defendant happened back in seventh  
11 grade, so a year ago and before, and that's how he remembered  
12 some of the timing of things.

13 He did odd jobs for the defendant. He received gifts  
14 and money from the defendant. He went to the defendant's  
15 house all the time and he spent the night there. He converted  
16 to Islam. Why? Because the defendant told him that if he  
17 wanted to be the defendant's friend, he had to convert to  
18 Islam. A little bit of coercion there?

19 The last time he saw the defendant was shortly before  
20 the defendant moved away from the Cochise house. So he's had  
21 no contact with him in the past year because we're now in  
22 March of 2016. So it's been about a year since he had contact  
23 with him.

24 Carlos told you about seeing that video of the  
25 Jordanian pilot the next morning, how the defendant showed him

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 the Fox News video of it. The defendant was laughing so loud  
2 that it woke up Carlos. And then the defendant got him and  
3 brought him into the living room to show him the video of this  
4 guy being burned alive inside a cage. Who shows that kind of  
5 thing to a child?

6 Let's talk about the Garland contest. The defendant  
7 told him about the Garland contest before the contest took  
8 place. He talked about giving an AK47 to Ibrahim because he  
9 knew Ibrahim was going to go there and he was going to need  
10 protection for himself when he went to attack it. And then he  
11 talked about killing kafirs. He said: If I had to shoot a  
12 kafir, I would.

13 Let's talk about Juan. Juan is Carlos's older  
14 brother who is in the ninth grade now. He was in the eighth  
15 grade when all this was going on. He also went to the house  
16 on Cochise after school most days and sometimes slept at the  
17 defendant's house.

18 He saw Ibrahim when he was there. He also converted  
19 to Islam and was learning Arabic. One of the things he saw  
20 there with Ibrahim and the defendant was an execution video.  
21 And he described it for you involving 13 Muslims standing with  
22 these three cameramen. And one of the Muslims had a sword to  
23 the cameraman's throat as the cameraman was telling his family  
24 that they were going to be okay.

25 The defendant showed these things on the TV in his

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 house using a Roku system. That's part of why you don't  
2 necessarily see as much on the electronic devices from the  
3 defendant's house is because he was streaming it off of a  
4 Roku.

5 He also told you that the defendant literally wanted  
6 to strap himself to a bomb and go inside a mall with innocent  
7 people and just blow them up.

8 Another time after the defendant had been pulled over  
9 by a police officer for what he thought was no reason, he said  
10 he wanted to strap himself to a bomb and go inside and kill  
11 people. Not a reaction to the officer, but a reaction toward  
12 innocent people. Why?

13 Juan heard Mr. Abdul Kareem talking to Ibrahim about  
14 that contest three different times before the attack.

15 First time he was in the back bedroom and heard them  
16 getting angry about what he called an Osama bin Laden Contest.

17 The second time he went to a hallway to listen and  
18 used -- I'm sorry -- he went to the hallway to listen and  
19 watched the defendant and Ibrahim in the prayer room using the  
20 mirror in the house.

21 He said the defendant was angry at the people hosting  
22 the contest and that he just wanted to go there and shoot them  
23 or wanted to go there and just shoot them.

24 The second time he was in the defendant's vehicle and  
25 he overheard the defendant talking to Ibrahim on the phone.

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 The defendant had a bluetooth audio system and he could hear  
2 him over that. And he heard him chuckling about the Texas  
3 attack.

4 The third time back at the house he heard the  
5 defendant talking to Ibrahim and AK Wahid about that contest.

6 Juan also told you about Kareem's fascination with  
7 the end of times and he showed him a video about it. And his  
8 testimony here was once the trumpets started to sound in the  
9 sky, the Apocalypse was coming.

10 Interestingly, Kareem had those Soldier of Allah 2  
11 images on his Nextbook tablet that evoked the End of Times  
12 imagery and those are Exhibits 453, 454, and 455.

13 And Soofi's Dell laptop had that picture of the End  
14 Of Time...A New Beginning on his laptop, and that's Exhibit  
15 260 and those are right here. In the upper right you see the  
16 Soldier of Allah 2 and there's quotes.

17 And I won't go into the specifics of the quotes. You  
18 can look at them on JERS later. But you can see the End of  
19 Time imagery there. It corroborates what Juan was telling you  
20 about Mr. Abdul Kareem's fascination with that.

21 Not so coincidentally, that's also how ISIS sells  
22 itself. They're headquartered in Rocca. They talk about the  
23 Final Battle in Dabiq. They name their magazine Dabiq. And  
24 you have Dabiq Issues 5 and 8 from Mr. Simpson's cellphone in  
25 evidence here. They are Exhibits 45 and 46.

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1           You also have Exhibit 40 from Elton Simpson's phone.  
2           Which nation does rum in the hadith of the last days  
3 refer to?

4           Well, Anwar al-Awlaki answered that question in the  
5 Hereafter CD that was found in Mr. Kareem's possessions.

6           (Playing an excerpt of Exhibit 113 to the jury.)

7           MR. KOEHLER: So he's talking about the Caucasians,  
8 the people from the West, and I didn't play the whole  
9 recording, but it's the people from the West. That's who he's  
10 talking about who are going to be in that Battle at Dabiq at  
11 the End of Time. We played more of that for you during the  
12 trial, but I just wanted that little snip for you here.

13           I want to move on next to Sergio Martinez. He's  
14 known the defendant since he was about 18 years old, so about  
15 12 years. He had the defendant over to his mother's house  
16 with Simpson to go shooting.

17           One of the more interesting things that happened  
18 while they were shooting, Simpson's gun jammed. So right  
19 there, Mr. Abdul Kareem knows that Simpson is not doing a good  
20 job of taking care of his guns. That came out on  
21 cross-examination. That wasn't on direct.

22           Mr. Maynard asked that question of Sergio Martinez  
23 and he told you that that gun jammed. And so at that point  
24 when they couldn't unjam that gun, he knew that Simpson needed  
25 to know how to properly clean, disassemble, clean, lubricate,



## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 and reassemble a firearm.

2 The defendant asked him to take Simpson and Soofi  
3 shooting in the desert and he was pushy about going shooting.  
4 Why? Well, this is in January. What's coming up at the first  
5 part of February? The Super Bowl that he had told Stefan  
6 Verdugo that they wanted to attack with pipe bombs.

7 Let's talk about the shooting trip out to Wittmann.  
8 That group came to Martinez's house before going shooting and  
9 prayed inside before they left. Ibrahim and Simpson both shot  
10 firearms that had been found in Garland.

11 You heard Sergio Martinez talk about the fact that  
12 the guns used in Garland were the same guns that were brought  
13 to the Wittmann scene when they went shooting there. He also  
14 told you that Ibrahim ran backward and forward and side to  
15 side while shooting.

16 You heard Agent Jenkins from the FBI who is the ERT  
17 team leader and went out and collected the shells. All those  
18 little flags they put in the ground showed that pattern of  
19 movement forward and backward and side to side while firing.  
20 And even the defendant himself made a partial admission to  
21 that -- oh, yeah, I kind of saw him moving -- when he was  
22 testifying here just the other day.

23 And you had Rodney Jiggetts from the FBI confirm for  
24 you that the shell casings from that scene matched those  
25 firearms that were found in Garland, Texas.

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 Mr. Martinez expressed concern to his wife Nicole  
2 Medellin when he got home from shooting. Why? Well, he told  
3 you they looked like terrorists while they were shooting,  
4 specifically talking about Ibrahim.

5 About a week or so after the house -- after the  
6 attack, the defendant went to Sergio Martinez's house. And  
7 you know that not only because of Sergio Martinez. You know  
8 that because Agent Whitson told you that they were tracking  
9 the defendant and he had been followed to Mr. Martinez's  
10 house.

11 In fact, the defendant, in taking the witness stand  
12 here in the case, didn't even deny that. He didn't deny going  
13 to the house. And he didn't deny that he told Sergio Martinez  
14 that he felt it was wrong what happened to Ibrahim and Soofi.  
15 In other words, he thought that the police did wrong in  
16 killing those two when they pulled out their weapons and  
17 started shooting.

18 He also told you that the defendant brushed up  
19 against his shoulder and whispered: If questioned, don't say  
20 anything about going shooting.

21 He didn't want anyone to know. That's another thing  
22 the defendant did not deny from the witness stand; going to  
23 Sergio Martinez and telling him to keep his mouth shut about  
24 going shooting in the desert.

25 Why would he need to cover that up if it was

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 innocent?

2 Nicole Medellin came in and talked to you and she  
3 told you about how she spoke to the defendant back in around  
4 2010. And he told her that U.S. soldiers all deserved to die  
5 because they were killing Muslim children overseas. That's  
6 that same selling point that ISIS and these other groups are  
7 using to recruit people to join them and go fight on behalf of  
8 the Islamic State.

9 The West is killing people and harming people and  
10 somebody needs to do something about it. You've heard that  
11 theme over and over again from different witnesses in this  
12 case. And here is Nicole Medellin talking about this being  
13 that man's state of mind all the way back in 2010, years  
14 before the time period we're talking about. This is not a new  
15 phenomenon with this man.

16 Sergio told you about going shooting with -- he had  
17 told her about going shooting with Simpson and Ibrahim and  
18 Soofi in the desert. And his conversation with her made her  
19 fear for her children's safety as a result of that event.

20 Kareem came back over to her house and Sergio's house  
21 after the attack and it was late at night. Again,  
22 corroborating what Sergio told you that the defendant came  
23 over later and said: Don't say anything about going shooting.

24 Let's move on. Stefan Verdugo. Here's another  
25 person who's known the defendant for a long time since he was

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 much younger, since age 14.

2 You may remember Stefan. He's the guy that came in  
3 in the orange jumpsuit. Not your typical witness in a federal  
4 trial, but he came in and he talked about his time with the  
5 defendant.

6 He showed Kareem and Simpson how to make a small  
7 explosive device. And Kareem asked about making that bigger,  
8 making pipe bombs. He also asked about silencers. Kareem  
9 asked him about explosives to attack the Super Bowl or West  
10 Gate Mall, again, showing this intent to conduct an attack on  
11 behalf of ISIS. Not just Simpson and Soofi, but Abdul Malik  
12 Abdul Kareem.

13 He saw Simpson and Soofi watch those violent ISIS  
14 videos. And what did he tell you he learned from those? ISIS  
15 don't play. In other words, they're not kidding around when  
16 they say: We're coming for you. They're not kidding around  
17 when they say: If you mess with us, we'll kill you. They're  
18 for real.

19 He also told you that the defendant called  
20 non-Muslims "kafirs." Same thing that you heard from others  
21 in this case. And he talked about wanting to blow kafirs up  
22 and yelling "Allahu akbar" while doing it. He also recognized  
23 those guns from the Garland attack and one of the guns he  
24 recognized specifically was that .357 magnum with the little  
25 gold emblem in the handle.

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1           And he told you that the defendant had given that gun  
2           to Ibrahim and he replaced it with a black Taurus .38 Special  
3           and you'll see that in a minute.

4           He told you about the videos. He said D -- that's  
5           how he knew the defendant Decarus Thomas before he changed his  
6           name to Abbuhl Kareem -- and Elton would spend a few hours.  
7           Not every night, but every other night, he would come over and  
8           he would watch gorish videos about terrorist attacks or  
9           supposed U.S. military gunning down Muslims for no reason.

10           And they would watch this for like a few hours a  
11           night and they would go back and forth on what was later  
12           clarified to be a tablet computer. Again, this ties to Nicole  
13           Medellin. These aren't two people that hang out together.  
14           And yet they're both describing that same attitude toward the  
15           U.S. military.

16           Here is what he says about the Garland contest.  
17           Simpson told Kareem about that contest in front of Verdugo.  
18           And then later Mr. Abdul Kareem told Verdugo about plans to  
19           attack that contest and that he was going to be part of that  
20           attack.

21           He said: There's things that have to be done.  
22           Again, somebody has to do something because of what the U.S.  
23           is doing overseas. Right?

24           Verdugo told Kareem it wasn't worth his life. And  
25           some point later on, Kareem changed his mind and decided he

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 wasn't going to be part of it, actually go there and do it.  
2 But that doesn't mean that he wasn't still part of the plan.  
3 It just meant that he wasn't going to go.

4 Kareem talked to Verdugo a few days after the attack  
5 when Verdugo called him and he said the police martyred them  
6 in the street for no reason. No reason? Two people pull out  
7 guns in the street and open fire and killing them -- shooting  
8 back and killing them is no reason?

9 Let's talk a little bit about corroboration with  
10 Stefan Verdugo. He was the guy in the orange jumpsuit and he  
11 told you there were other people being executed in orange  
12 jumpsuits. And that matches the same descriptions you heard  
13 from Juan and Carlos and also from Nathaniel Soofi when he  
14 described that Message in Blood with the men in orange  
15 jumpsuits being marched along the beach.

16 You also saw the Charlie Hebdo attack with Kareem,  
17 Simpson, and Soofi. This is after the attack. This is after  
18 the police have hunted these people down. And they were upset  
19 because their Muslim brothers were being killed after having  
20 slaughtered people at the Charlie Hebdo Magazine.

21 Ali Soofi, Nadir Soofi's brother, described the same  
22 thing, only he saw it earlier. And he saw them watching the  
23 attack and celebrating their Muslim brothers' accomplishment.  
24 They had killed the people in the Charlie Hebdo Magazine and  
25 they were on the run. And so that was a time for celebrating

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 because they were successful.

2 One of the things that Stefan Verdugo did was  
3 describe things from inside Mr. Abdul Kareem's residence in  
4 fairly minute detail. He described that camouflage  
5 bulletproof vest. He described ammunition, including the  
6 12-gauge ammunition being there. He described different kinds  
7 of guns that Mr. Abdul Kareem had in his possession.

8 One of those guns he described was a gun-metal gray  
9 like silver, .380 pistol with a wood-grain handle. That gun  
10 wasn't found by the FBI when they searched Mr. Abdul Kareem's  
11 residence, but they did find a magazine that matches the  
12 description of that gun. That's this one here. It's Exhibit  
13 No. 400 and that's a photograph of that.

14 And that's not one round inside like Mr. Abdul Kareem  
15 described. It's five rounds inside that magazine. It's not  
16 something he found sweeping out a truck. It's something that  
17 he had inside his apartment in his bedroom.

18 Mr. Verdugo had nothing to gain here. He got \$500  
19 from the FBI. Why? So that he could legally drive around  
20 while trying to make recordings and making recorded phone  
21 calls. It would make sense that the FBI would not want  
22 somebody who is helping them to get pulled over for driving on  
23 a suspended license and end up getting taken into custody or  
24 get their car taken away while they're trying to help the FBI.

25 Nine months later when he comes in here and testifies

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 in front of you, he doesn't owe the FBI a darn thing. He's  
2 already gotten whatever benefit he was going to get. And the  
3 same thing is true with regard to his state case. He told you  
4 there's been nothing given to him in the state case in  
5 exchange for coming over here and testifying in this case.

6 The only thing that he got was agents writing reports  
7 and disclosing those reports on things that they had seen that  
8 might be material to his defense. Why? Because that's a  
9 constitutional obligation that the government has to turn over  
10 that kind of material and so that happened.

11 What's important is it happened back in December. He  
12 came here and testified for you in the end of February.  
13 Again, whatever benefit he was going to get, he already had.  
14 He didn't have to come here and talk to you.

15 Let's go on to Ali Soofi and then, hopefully, take a  
16 break from there.

17 Ali Soofi lived in Simpson's and Soofi's apartment  
18 from February, 2014, to March, 2015, and moved out in April,  
19 about a month before the attack. He said the defendant  
20 frequently came over to that apartment and spent the night  
21 there on occasions sleeping on that L-shaped couch.

22 And he talked to you about how their feet kind of  
23 practically touched each other because they were on opposite  
24 ends of that L. He also told you the defendant came to the  
25 apartment two or three times per week in the months leading up



## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 to May 3 of 2015.

2 He describes the ISIS videos that they watched. He  
3 said Simpson and Soofi and the defendant were watching these  
4 ISIS videos showing people riding around in trucks shooting  
5 guns. He told you about how Ibrahim would talk about those  
6 videos to both Nadir Soofi and the defendant and would Tweet  
7 about them and talk about that.

8 He said he began to feel unsafe in that apartment as  
9 the talk about ISIS got more intense and he started spending  
10 more time with his girlfriend, but still was there during the  
11 week.

12 He also told you about those videos having been  
13 played on that tower computer. And remember, that's hooked up  
14 to a flat screen TV in the apartment. Everybody in that  
15 apartment could see. It's not like it's this great big place.  
16 It's a one-bedroom apartment with one living room and  
17 everybody inside the apartment could see that flat screen.

18 Nadir, his brother, was always at the main computer  
19 chair controlling what was being watched. When the videos  
20 were playing, the defendant was saying: People need to learn  
21 their lessons. Nonbelievers, you know, will basically learn  
22 their place in this world in the end.

23 He also told you about seeing beheading videos being  
24 played and Ibrahim being pleased about that and the defendant  
25 and his brother Nadir likewise being pleased by what they saw.

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 Their expressions were just like Ibrahim's.

2 He talked to you about kafirs. That the defendant  
3 mentioned to him a couple of times about the kafirs, the  
4 nonbelievers, and told you "these people should be killed" is  
5 what the defendant said.

6 Again, this is somebody completely unrelated to Juan  
7 and Carlos, unrelated to Stefan Verdugo describing the same  
8 thing.

9 He also talked to you about Elton Simpson's Twitter  
10 usage. Only Ibrahim had a Twitter account. Nadir Soofi  
11 didn't have one. Neither did the defendant. Ibrahim used the  
12 Twitter account from that tower computer, again, connected to  
13 the flat screen so everyone could see it.

14 He described a man, African-American who was from  
15 Minnesota that Ibrahim would Tweet with all the time,  
16 constantly. And then we showed him a picture. That's Mujahid  
17 Miski. That's the same person that you saw in those Twitter  
18 direct messages in Exhibit 480 that was talking back and forth  
19 to Elton Simpson and that I showed you earlier when I was  
20 talking about his commitment to the Islamic State and hijra.

21 He told you that Ibrahim and Mr. Abdul Kareem would  
22 sit next to each other on the couch and talk about what  
23 Ibrahim was doing on Twitter. He said Ibrahim would always  
24 lean over and show what he was Tweeting -- and this is on his  
25 phone at this point -- and there would almost be a discussion

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 about what he was Tweeting.

2 He would do the same thing with my brother as well,  
3 you know, watch a specific video and then Tweet something  
4 about it and then show him.

5 Here is a slide from Exhibit 480. Elton Simpson on  
6 Twitter talking to that guy QaQa that he had been talking to  
7 at another point in the conversation about the price of  
8 firearms in sham, which is Syria, compared to the United  
9 States.

10 In this part he's talking about other things, but he  
11 says:

12 Bro I was just telling a bro from Philly what you  
13 said.

14 That's consistent with what Ali told you about him  
15 talking about what he's Tweeting about.

16 And then you have in evidence -- I think it's Exhibit  
17 134, but forgive me if I'm wrong -- photographs of Elton  
18 Simpson taken by the defendant on his camera -- on his cell  
19 phone and recovered by the CART examiners the early morning  
20 hours of February 18. That's your "bro from Philly."

21 Oh. The khalif discussion. Again, you have another  
22 discussion with the defendant, Elton Simpson, and Nadir Soofi  
23 about a Khalif. Who's got a Khalif? ISIL.

24 He also told you that the defendant talked about  
25 selling all of his possessions and moving to the Middle East.

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 Hijra.

2 He told you about the Charlie Hebdo attack. And I  
3 already went through this. They looked pleased because,  
4 again, these people had accomplished what they were setting  
5 out to do, which was get that message across on behalf of  
6 ISIL. Don't insult the Prophet. We'll kill you.

7 He also told you, again, this End of Times  
8 fascination and there was a constant discussion toward the end  
9 when his brother became more radical. A constant discussion  
10 of different prophesies that had already occurred, the  
11 constant worry of the different prophesies that had been  
12 foretold are happening.

13 Again, this is how ISIS sells itself. They are  
14 fulfilling those prophesies. They are reading them and  
15 they're selling themselves and it's fulfilling the prophesies  
16 that are going to trigger that final battle, Armageddon, and  
17 these folks wanted to be a part of it.

18 He also told you about money. His brother Nadir ran  
19 two businesses into the ground, the pizza business as well as  
20 the cleaning business, because he was too focused on the  
21 Islamic radical side of things and not on running his  
22 business. And the only way they got by was with financial  
23 help from their father.

24 He told you the same thing about Ibrahim. Ibrahim  
25 had been working parttime consistently, but after a while it

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 became nothing, almost a couple of days here and there.

2 Neither of these guys had the kind of money that it took to  
3 buy a gun for \$700.

4 Even the defendant admitted that Ibrahim had stopped  
5 working. He told you about Ibrahim's AK, that he got it  
6 sometime four months or so after Ali moved in the apartment.  
7 That he didn't have the money to buy that gun. And he told  
8 you that the defendant provided the money to buy that gun.

9 Nadir's AK. He told you the same thing about that.  
10 Nadir came home with a full body AK about four months before  
11 the Garland attack. That's corroborated by those texts that  
12 you saw during the trial when the LG 440 phone, the one found  
13 in Garland, was being used to ask questions of prospective  
14 sellers about whether they had their AKs for sale and  
15 discussing price. Those were in January of 2015. That ties  
16 directly to what Ali told you.

17 Nadir told Ali that he borrowed \$700 from the  
18 defendant to buy the gun and the defendant was present in the  
19 room when that happened.

20 He told you about them going shooting in the desert;  
21 twice with Simpson and Soofi, one time was north towards  
22 Sedona, and they took those AK rifles. The defendant handled  
23 both of those firearms. He told you about them cleaning the  
24 firearms. After that first time they went shooting, the  
25 defendant was showing Simpson and Soofi how to take them

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1     apart, how to clean them, how to lubricate them, and how to  
2     put them back together. Why? Because he knew that they  
3     needed to know how to do that in order to have their guns be  
4     functional. He was overseeing.

5             And Ali told you Ibrahim and his brother Nadir had no  
6     training at all with guns. Again, describing that proper  
7     cleaning procedure. Not leaving grease on the guns, not  
8     completely removing the grease from the sliding parts, and  
9     cleaning the barrel properly using the brush to clean the  
10    barrel so that you don't damage it.

11            Lets take a pause here.

12            THE COURT: Thank you, Mr. Koehler.

13            Ladies and gentlemen, we'll take our morning break at  
14    this time. We will reconvene at about ten minutes to 11:00.

15            You are, again, reminded of the admonition you are  
16    not to discuss the case among yourselves or form any  
17    conclusions about it until you have heard the rest of the  
18    closing arguments of counsel and begun your deliberations.

19            I want to also make a special request of all of our  
20    spectators here today. All of my jurors are wearing juror  
21    badges. You may encounter some of them. You may be talking  
22    about the case because you're not prohibited from doing so.

23            But please, if you see any of these people with their  
24    juror badges on, or even if they don't have their juror badges  
25    on, please stop discussing the case so that there is no

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 possibility that they overhear any of your discussion about  
2 the case.

3 I don't think that I have to warn you about not  
4 contacting or trying to speak to any of my jurors. I'm sure  
5 you know very well that that is also prohibited.

6 We will reconvene, ladies and gentlemen, in 15  
7 minutes.

8 Court is in recess.

9 (Recess taken at 10:34 a.m.; resumed at 10:51 a.m.)

10 THE COURT: Thank you, ladies and gentlemen. Please  
11 sit down. The record will show the presence of the jury,  
12 counsel, and the defendant.

13 Mr. Koehler, you may continue your closing argument.

14 MR. KOEHLER: Thank you, Your Honor.

15 We left off at the point in which I was about to  
16 explain to you how the defense witnesses also support the  
17 government's case in this case.

18 Let's talk first about AK Wahid, a friend of the  
19 defendant's and a friend of Ibrahim's.

20 Mr. Wahid came in here and under oath told you from  
21 the witness stand that Abdul Malik Abdul Kareem told him about  
22 Simpson and Soofi planning to light up a Marine base. He told  
23 you he had heard the same thing directly from them, but that  
24 the defendant came to him and told him that Simpson and Soofi  
25 had talked to him about doing that.

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 Now, of course, the defendant said that it was AK  
2 that told him about this attack and that he didn't really --  
3 it was vague and he didn't really understand it and we'll come  
4 back to that in a little bit.

5 He was also present with the defendant and Ibrahim  
6 when the defendant bought that Taurus .38 Special. This is  
7 the gun that came from Sean Raper. Sean Raper was the guy  
8 that came in here and told you how he had the gun listed on  
9 Craigslist and the defendant contacted him and they met in a  
10 parking lot.

11 And when the defendant bought the gun from him,  
12 whether it was \$300 or \$350 is really irrelevant. The thing  
13 that was relevant to Raper at the time was that the defendant  
14 had this great big old wad of cash in his hands. And how  
15 nobody in their right mind goes to a transaction like that  
16 involving a firearm exchange with a whole bunch of money on  
17 them. That's a very easy way for someone to get robbed. So  
18 it makes sense that that would stand out to him.

19 In addition, he told you that the defendant said he  
20 was in the market for more guns. Who was with him? AK and  
21 Ibrahim.

22 Also, this gun matches Stefan Verdugo's description  
23 of the defendant getting a new gun after he gave Ibrahim the  
24 .357 with the little gold emblem in the handle.

25 And it also dovetails with the notion that Nadir



## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 Soofi was seeking to buy an AK rifle in January, which is  
2 after this, of course, but it shows, hey, Abdul Malik Abdul  
3 Kareem in the market for more guns shopping with Ibrahim. And  
4 lo and behold, who is looking for a gun as well? Nadir Soofi.

5 There's that .357 from Garland. If you look in this  
6 lower-left corner right here, you see that little gold emblem  
7 just like Stefan Verdugo described. Over here, that's the .38  
8 Special that Mr. Abdul Kareem had in his truck; all black, a  
9 Taurus, just like Stefan Verdugo described.

10 Let's talk about Nathaniel Soofi who came in as a  
11 defense witness. He stayed at that apartment on most weekends  
12 and stayed over on Saturdays. That's the same night the  
13 defendant's brother James Sampson came in here and told you  
14 that the defendant usually spent at his place. So it would  
15 make sense that Nathaniel Soofi would never see the defendant  
16 spend the night at the Simpson and Soofi apartment. Why?  
17 Because he wasn't there on the nights that the defendant would  
18 be there.

19 He told you about seeing ISIS execution videos on  
20 Nadir's computer and he saw them when he was alone with Nadir.  
21 He didn't see those videos with Ibrahim and he didn't see  
22 those with the defendant because Nadir was showing those to  
23 him just the two of them.

24 He also knew about the Garland contest. And he knew  
25 that the planning for that started all the way back in

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 February. He described how it was cold outside and it was  
2 still February at that point in time.

3 Nadir told his son about the plan to attack the  
4 contest and he overheard Nadir and Ibrahim talking about it.  
5 He didn't overhear Nadir and Ibrahim and Malik talking about  
6 it. There's no doubt about that. But that doesn't mean that  
7 Malik wasn't part of the plan, because Malik usually wasn't  
8 there when Nathaniel was.

9 Let's talk about corroboration for a minute.

10 Ali Soofi didn't know Stefan Verdugo. Didn't know  
11 Juan. Didn't know Carlos. In fact, he didn't know Sergio  
12 Martinez either.

13 But Juan and Carlos and Stefan Verdugo all describe  
14 the same types of videos and the same types of behavior among  
15 Abdul Malik Abdul Kareem, Elton Simpson, and Nadir Soofi that  
16 Ali described. And he doesn't even know them.

17 Ali described Nadir as making soup on the night of  
18 May 1st, the night before they left. And lo and behold, AK  
19 Wahid comes in and testifies to you that on the night of May  
20 1st, Nadir brought him soup. What a coincidence.

21 Let's talk about other corroboration in this case.  
22 Abdullah Mubarak.

23 Verdugo had talked about hearing the word "Khalifah."  
24 Only Verdugo is not a Muslim. He's more of a street kind of  
25 guy. And who does he think Khalifah is? A musician. A

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 rapper.

2 Abdullah Mubarak explained his arguments with the  
3 defendant about the existence of a Khalifah in today's world.  
4 And he had to call his son to explain "there is no Khalifah"  
5 to the defendant. So, again, the Khalifah discussion was  
6 something that's going on and it makes every bit of sense that  
7 it would happen in the Cochise residence when Stefan Verdugo  
8 was there and corroborated by Abdullah Mubarak. Only ISIL  
9 claims to have a Khalifah.

10 The defendant also admitted in Exhibit 422 -- that's  
11 one of his post-arrest interview videos -- that he knew that  
12 ISIL is the group that claims to have a Khalifah.

13 Again, Carlos and Juan, not in contact with Verdugo  
14 after the contest. Remember? Verdugo is not living there  
15 anymore. And not only that, but Verdugo got arrested by the  
16 FBI -- the agency that he's supposedly favoring somehow over  
17 the defendant -- in California just a few weeks after the  
18 attack took place.

19 So these kids had no contact with him and yet they  
20 described the same things.

21 Again, Ali didn't know these kids.

22 Now, I want to break and switch to the document  
23 camera for you in a minute and you'll have these on the JERS  
24 video. Let me switch to the document camera, please.

25 This is Exhibit 291. And you'll have a much better

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 view of this when you're in the room. The thing I want you to  
2 focus on is what's in the background here.

3 This is an execution being carried out in front of  
4 children. The same thing occurs in Exhibit 293, an execution  
5 in front of children.

6 Why are they doing this? Why is Nadir Soofi showing  
7 his son these videos? Why is this man showing Juan and Carlos  
8 those videos?

9 It's so that they can indoctrinate these children and  
10 turn them into the future soldiers of ISIL. That's why.

11 Let's talk about joining and aiding the conspiracies.  
12 Again, he was pushy with Sergio to take Elton Simpson and  
13 Nadir Soofi out to the desert to shoot. He told you from the  
14 witness stand that Elton was pushy with him. And it makes  
15 every bit of sense that he would have, again, been pushy with  
16 Sergio.

17 He taught them how to disassemble, clean, lubricate,  
18 and reassemble those firearms. He may not have been up to  
19 James' standards, but he certainly learned from James that he  
20 didn't want to leave too much oil on the outside of the gun;  
21 that it needed to be lubricated, but perhaps not as much as  
22 the defendant wanted those guns to be lubricated.

23 The next thing is, remember, Sergio, again, on cross  
24 explaining that a gun had jammed when Elton Simpson and the  
25 defendant went to his mother's house to shoot? Again, the

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 defendant knew that Elton Simpson needed to learn how to do  
2 this the right way or his gun was going to jam and it wasn't  
3 going to function when he conducted an attack.

4 Let's talk about physical evidence in this case.

5 Remember the ammunition that we talked about earlier?  
6 That .38 Special ammunition that fits both in a .357 magnum as  
7 well as in a .38 Special pistol? You have Richard Henderson  
8 from PMC Ammunition testify about how that particular  
9 ammunition came in these battle packs.

10 That's that bag right there on the table in front of  
11 you. And in evidence is a photo of that bag sitting on the  
12 ground in Garland filled with that .545 ammunition that was  
13 for the AK-74.

14 So they took the boxes out of that bag of the .38  
15 Special ammo and they put that ammunition in that bag and took  
16 it with them to Texas.

17 Kareem -- Mr. Abdul Kareem had two boxes of that in  
18 his apartment. Remember, it came in a six-pack. Simpson and  
19 Soofi had one box in their apartment. And then they had a box  
20 with them in Garland, Texas. Five rounds of that ammunition.  
21 And that's this exhibit right here with the individual rounds,  
22 Exhibit No. 13. Those are the rounds that came out of the  
23 .357 that Elton Simpson had in his pocket that was cut away.

24 There's the bag. There's the lot number on the  
25 ammunition from the Simpson and Soofi apartment. The

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 ammunition from the Garland scene is in the lower left. And  
2 then the ones on the lower right are from Mr. Abdul Kareem's  
3 apartment. Lot number matches on every single one of those.

4 Here is what Mr. Kareem had to say about that  
5 ammunition.

6 (Playing an excerpt of Exhibit 428 to the jury.)

7 MR. KOEHLER: It wasn't for him. It was for me.  
8 Adamant about that. Yet when he took the stand and testified  
9 in front of you the day before yesterday and the day before  
10 that, he told you that was a split purchase. That they both  
11 paid half for that purchase.

12 But that's not what he said in his post-arrest  
13 interview. "It was for me," he said.

14 There's other ammunition that matches in this case  
15 that hasn't really been talked about very much, and that is,  
16 the Perfecta 9 millimeter ammunition that was found at the  
17 Garland scene, as well as a box of it in Abdul Kareem's  
18 apartment locked away.

19 On the table there you see the whole box from the  
20 apartment. And then also on the table you see the remnants of  
21 that box. The one from the apartment is Exhibit 117. The one  
22 from the scene is Exhibit 59.

23 Now, if you look closely, right here you can see it  
24 says two box -- or 250 X -- meaning 50 shells -- of 9  
25 millimeter ammunition for 1995. Two boxes. Here's one box in

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 the apartment. Here's another box from the scene.

2 The box from the scene is destroyed, so you don't  
3 have the lot number from that box, but you do have the bar  
4 code and it's exactly the same between the two bar codes.

5 Is that just a coincidence?

6 Let's talk for a minute about Mr. Abdul Kareem's  
7 paranoia. He thought there was a tracking device in his car  
8 and he thought that Simpson was an FBI informant. And then he  
9 told you that Simpson thought that he was an FBI informant.

10 You heard from Amber Pluff, Stefan Verdugo's  
11 ex-girlfriend, that Mr. Abdul Kareem always seemed paranoid  
12 and he had to go because the Feds were listening.

13 Carlos also told you the defendant was worried all  
14 the time about the FBI watching and you heard that elsewhere  
15 as well.

16 He had five weeks after this attack to clean up. And  
17 who knows how long before the attack, once he decided that he  
18 wasn't actually going to go.

19 Five weeks to purge overtly jihadist materials,  
20 whether they're books or other literature, the The Defense of  
21 the Muslim Lands book that was found in Garland. Five weeks  
22 to get rid of overtly jihadist CDs like The Battle of Hearts  
23 and Minds and five weeks to clean up his computer devices.

24 He tried to wipe that Lenovo laptop in 2014 before  
25 giving it to Sergio Martinez. And he told you that he burned

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 that 2 gigabyte thumb drive; burned it up in a barbecue.

2 He also cleaned his Google Search History in 2015  
3 multiple times.

4 Agent Whitson testified about things that were in the  
5 history when he executed the first search warrant on Mr. Abdul  
6 Kareem's Gmail account that weren't there the second time that  
7 he executed the search.

8 And there were things in the Acer Aspire in its  
9 Search History that had been accessed from the Google account  
10 that, likewise, were not there when they did the first search  
11 warrant on the Gmail account.

12 So, again, Mr. Abdul Kareem is, in fact, cleaning his  
13 computers, cleaning his Gmail account.

14 And in case you hear an argument that this isn't a  
15 guy who is sophisticated enough to do this, remember, this is  
16 not only a guy who's cleaned his Gmail account and has the  
17 tools to clean his computer, but he also knows how to tether  
18 that computer to a cell phone. He's not somebody who is  
19 completely unsophisticated when it comes to computers.

20 Again, one of the things that he deleted from that  
21 computer was that Flames of War video. The only trace of that  
22 video was in the unallocated space and in the Windows System  
23 Recovery Restore Point, a place that was too deep for him to  
24 figure out how to get to. But it was deleted and it had been  
25 there before.



## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1           And you have that whole video in evidence. He had  
2           the tool with which to perform this cleanup. That's Exhibit  
3           200, that Hirens boot CD, the one that says Hirens 15.1 on it.  
4           And you heard from Mr. Evans, the CART examiner from the FBI,  
5           about some of the tools and that CD.

6           One of them is the program called Shredder. And  
7           here's what it says: Shredder allows you to erase files in  
8           such a way that it is impossible to recover them by software  
9           or hardware means.

10           So he had exactly the right tool that he needed to  
11           take those things off of his computer and he had five weeks  
12           within which to do it.

13           Let's talk for a minute about credibility.  
14           Mr. Sampson, when asked if it would surprise him about his  
15           brother wiring money to people when borrowing money from him,  
16           says:

17                   Surprise is such a vague word to me.

18                   Is "surprise" really that vague?

19                   He also said:

20                   I wouldn't say that I -- that he didn't know the  
21           defendant had been convicted of a felony.

22           In other words, he claimed that he told the FBI that  
23           he did know that the defendant had a felony.

24           (Playing an excerpt of Exhibit 606 to the jury.)

25           MR. KOEHLER: There you have it. That's exactly what

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 he told the FBI.

2 If I knew he had that felony, he wouldn't have had a  
3 gun. But he told you on the witness stand that he told the  
4 FBI that he did know he had a felony.

5 One thing he did tell you was that the defendant  
6 always used too much oil when cleaning guns.

7 And then, of course, the wiring of money. And you  
8 saw the money wiring receipts where the defendant was sending  
9 money to other people in significant dollar amounts; \$500  
10 here, \$700 there. The defendant deposited \$10,000 in cash  
11 into his BMO Harris bank account. He wasn't hurting for  
12 money.

13 Let's talk for a minute about the experts in this  
14 case.

15 Dr. Sageman came in here and talked to you about his  
16 point of view on things. But one thing became clear very  
17 early on, and that is, he didn't know a heck of a lot about  
18 ISIS. He didn't follow their propaganda or their recruitment  
19 efforts. He didn't recognize their materials and the  
20 relevance that those materials have to their recruitment  
21 strategies.

22 His expertise was in al-Qa'ida and what attracted  
23 people to al-Qa'ida, not ISIS; not ISIS's online propaganda or  
24 its recruiting strategies.

25 Not only that, but he didn't bother listening to the

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1     totality of the al-Awlaki recordings that were discussed in  
2     this trial.

3             Look at the other side of things. Mr. Kohlmann  
4     devotes most of his time to terrorist propaganda and  
5     recruiting efforts online. That's what he does. He spends  
6     his whole time in his life online following what they're doing  
7     and figuring out where that's going next.

8             The same thing is true of Dr. Vidino. He dedicates  
9     the majority of his time to the study of ISIS and has  
10    published a seminal paper on ISIS's recruiting strategy and  
11    their use of Twitter to further their efforts.

12            Speaking of Dr. Sageman, he claimed that the  
13    Hearts -- that The Hearts and Minds recording is not a violent  
14    recording. This, again, is something that was in the Search  
15    History from the Lenovo laptop and is Exhibit 164.

16            (Playing an excerpt of Exhibit 164 to the jury.)

17            MR. KOEHLER: Facing death with a smile, just like  
18    Elton Simpson did when he got out of the car on May 3rd of  
19    2015.

20            You heard from Bruce Joiner describing how he thought  
21    at first this must be a prank because this guy was grinning at  
22    him. And then he saw the gun come up and realized that it  
23    wasn't.

24            We'll stop here for a minute. This is a case that  
25    involved a lot of digital evidence, as well as the physical

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 evidence and the witnesses who came in here and testified.

2 And the reality of this case is that the digital evidence is  
3 completely unnecessary for you to reach a conclusion of guilt  
4 in this case.

5 You have the testimony of all the different witnesses  
6 in this case about what was going on inside the Simpson and  
7 Soofi apartment with the defendant present. You have the  
8 witness testimony about what was happening inside the  
9 defendant's residence and the things that he was doing and  
10 saying to people and that were said to him in other people's  
11 presence.

12 To know exactly what was going on, you have the ISIS  
13 flags, all of the weapons, the books and literature that the  
14 two shooters in Garland, Simpson and Soofi, had with them.

15 That, alone, is enough to support a guilty verdict in  
16 this case. But like they say in the infomercials:

17 Wait. There's more.

18 This digital evidence in this case isn't just  
19 something to deepen and broaden your understanding of the  
20 scope of the conspiracy, the fact that they wanted to travel  
21 to the Islamic State and fight. It's not just evidence of  
22 their desire to attack other targets like the ISHD, the  
23 Islamic State Hacking Division target list of a hundred  
24 service members.

25 It goes beyond that. It corroborates what you have

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 heard from these children. These children describe watching  
2 beheading videos and other things that they've seen. And lo  
3 and behold, this is exactly what you find on the computers,  
4 those things, the al-Awlaki lectures that you heard that they  
5 were listening to and so forth.

6 So you've got these devices that Simpson and Soofi  
7 had: The Samsung Galaxy Smartphone, that was Simpson's phone,  
8 the tower desktop computer that was Soofi's, the Dell Inspiron  
9 laptop computer that was Soofi's, the Samsung Galaxy  
10 Smartphone that was Soofi's, and then the two LG 440 --  
11 they're kind of drop phones -- those little flip phones, one  
12 in the car in Garland and one in the apartment.

13 Without a doubt, these things were replete with  
14 jihadist material and evidence of Simpson's and Soofi's  
15 intentions. But they also contained things that corroborate  
16 what you have heard from the witnesses in the courtroom here,  
17 and that is, by and large the purpose of bringing the evidence  
18 from those items your way.

19 Mr. Abdul Kareem's devices. He had the Lenovo laptop  
20 that had the thumb drive attached to it. He had the Acer  
21 Aspire computer, his Maxwest Gravity 5.5 Smartphone, and his  
22 Nextbook tablet.

23 The Lenovo laptop had that Security Intelligence  
24 Course from the Global Islamic Media Front in the Recycle  
25 Bin. In other words, somebody had deleted it but not finished

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 doing so.

2 That's a How-To Guide on operational security for  
3 people in organizations on how to avoid detection by Western  
4 intelligence in law enforcement.

5 You also had on the Lenovo laptop Internet searches  
6 for jihadist audio and video files such as the Battle of  
7 Hearts and Minds, Anwar al-Awlaki;

8 His lecture on Brutality Toward the Muslims;

9 The Arrashud lecture And Incite The Believers;

10 The Mujahideen Bagram Escape video showing people  
11 escaping from the Bagram Prison;

12 And then the Kalamullah.com link for other al-Awlaki  
13 lectures.

14 And, again, Kalamullah.com is a jihadi website for  
15 promoting the global salafi jihad as Dr. Sageman described  
16 it.

17 You also have the thumb drive.

18 S&I.pdf, again, that Security And Intelligence  
19 Course;

20 Training That Makes Civilians Acceptable;

21 A Treatise on the Legal Status of Using Weapons of  
22 Mass Destruction Against the Infidels;

23 To Make It Known To People...and Not to Hide It, by  
24 Anwar al-Awlaki;

25 The Hatred of the Juffar;

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 Inspire Magazine, Issues 8 and 9.

2 This is something that Mr. Abdul Kareem admitted to  
3 Detective Nash that he had watched or looked at. Inspire  
4 Magazine. He said Elton Simpson didn't show that to me. I  
5 looked at it on my own.

6 The next thing is:

7 The Ruling on the Dispossessing the Disbelievers  
8 Wealth in Dar al-Harb.

9 And that ties to the Karem Fabian insurance claim.  
10 And you have that document in evidence. It's Exhibit 181. I  
11 encourage you to take a look at that and tell me if the notion  
12 of committing fraud inside the United States against  
13 Westerners to support jihad is not consistent with exactly  
14 what the defendant did when he slapped the trunk of  
15 Ms. Fabian's car and then claim that she hit him.

16 He didn't fall down. The records from John C.  
17 Lincoln the very next day, the day that he claimed that he  
18 couldn't get up, he couldn't move his hip, he couldn't move  
19 his leg; the records from the hospital, that day's visit, no  
20 objective symptoms, normal range of motion; the x-rays, no  
21 evidence of injury.

22 The only place that supports his claim of injury is  
23 the chiropractic clinic. Does the chiropractor go and talk to  
24 the person that was on the other side of that? No. You have  
25 to take his word for it.

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 Even if they found an injury, it doesn't mean that it  
2 came from that.

3 The Acer Aspire had that ISIS Flames of War video on  
4 it. Again, just like Ms. Vaughan testified, the person who  
5 pulled that video up clicked through five screens in order to  
6 get to see that. They had to do age verification,  
7 controversial video, verification. Say --

8 Yes. Yes. Yes. I want to see this video.

9 -- before they got to it. That's the exact same  
10 thing the defense expert testified about when he got up on the  
11 witness stand. It had the five Anwar al-Awlaki lectures, and,  
12 again, another lecture from the Jamaican Sheikh, Sheikh Faisal  
13 who is another extremist radical cleric.

14 The Nextbook tablet. Not only did it have those End  
15 Of Times imagery items that we talked about before. But it  
16 also had a thumbnail photo of Hakimullah Mehsud who is the  
17 former leader of the Taliban in Pakistan and was killed in  
18 November of 2013, and it also had a screen capture from that  
19 ISIS Message in Blood to the Kurdish Alliance. And that was  
20 an execution video in front of the Great Mosque in Mosul.

21 Now, you heard from Agent Whitson that video was  
22 released August 28, 2014, and the other photo was of a person  
23 that was killed in November, 2013.

24 Does it seem logical to you that these items would be  
25 on a tablet computer that wasn't even started up until May 28,



## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 2015 -- or May 22nd of 2015, being originated from a news site  
2 like CNN?

3 Why would a story of Hakimullah Mehsud being killed  
4 in November, 2013, be newsworthy in mid 2015? Why would this  
5 Message in Blood video released by ISIS months and months  
6 earlier be a newsworthy item at that point in time in the  
7 West?

8 It doesn't make sense. The only thing that would  
9 make sense is if the defendant went somewhere and saw those  
10 things on a site that would promote those kind of things.

11 Not a news site. A Jihadi site.

12 He also has the eBooks, the British Government in  
13 Jihad and the Origins of The Islamic State.

14 This is a fascination. It's something that he  
15 couldn't stay away from for whatever reason. He's fascinated  
16 with the End of Time scenario that ISIS is selling. He's  
17 fascinated with people like Hakimullah Mehsud and the  
18 execution videos and he's fascinated with the Origins Of The  
19 Islamic State.

20 Let's circle back here for a minute.

21 We have two conspiracies here. One is the "material  
22 support" conspiracy; and the second is the "interstate  
23 transportation of firearms."

24 The "interstate transportation of firearms"  
25 conspiracy is one that had to have begun later, no sooner than

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 when the Garland, Texas, contest was announced. So it had to  
2 have begun sometime in February or later.

3 The "firearms transportation" conspiracy requires an  
4 agreement between two or more people to commit transportation  
5 of firearms in interstate commerce with intent to commit a  
6 felony; in other words, traveling across state lines with guns  
7 intending to commit murder and/or aggravated assault in Texas.

8 It can be proven by direct or circumstantial  
9 evidence. I would submit to you that we have proven this  
10 beyond a reasonable doubt by direct evidence, just by virtue  
11 of the fact that Elton Simpson and Nadir Soofi went to Garland  
12 from Phoenix armed and opened fire when they got there.

13 Abdul Malik Abdul Kareem joined the conspiracy. We  
14 have shown you all of the evidence of the different witnesses  
15 that put him knowing about this contest, knowing what the  
16 defendants wanted to do, and wanting to be a part of it.

17 The agreement itself is the crime. Again, the object  
18 crime need not actually be committed. And I submit to you,  
19 they tried. They just didn't succeed.

20 The evidence of the transportation. Part of the  
21 agreement is very simple. They traveled to Garland while  
22 armed. They fired shots.

23 Now, this conspiracy -- and, again, you had Stefan  
24 Verdugo's testimony that the defendant was actually intending  
25 to be a part of that at one point in time -- this conspiracy

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 differs from the "material support" conspiracy in that it  
2 requires the commission of an overt act.

3 That's not in the elements of the "material support"  
4 conspiracy. I would submit to you, again, in this case you  
5 have Elton Simpson and Nadir Soofi practicing shooting with  
6 the defendant, traveling to Texas with their firearms, they  
7 discussed this attack and the defendant hosted them to do so  
8 in his home, and they opened fire in Garland, Texas.

9 Overt acts all over the place.

10 The next charge is that Aiding and Abetting the  
11 Transportation of Firearms Interstate With Intent to Commit a  
12 Felony.

13 Again, the defendant knew what they wanted to do. He  
14 knew what their plan was. And he encouraged them and he  
15 helped them and he had the intent of helping them to succeed.  
16 One of the things that he did to help ensure that they would  
17 succeed was to teach them how to clean the firearms.

18 The next charge is the false statements to the FBI.  
19 The defendant made false statements to the FBI. He acted  
20 deliberately with knowledge that the statement was untrue and  
21 his conduct was unlawful.

22 Here's in that little warning from Agent Simpson to  
23 the defendant: You know it's a crime to lie to the FBI.

24 Because that's where this is relevant. The defendant  
25 admitted from the stand even that Agent Whitson warned him in

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 his May 5 interview that it was illegal to lie to the FBI. So  
2 he knew that lying to the FBI was unlawful.

3 And finally, the statement had to be material.

4 Again, May 5, 2015, two days after the attack. All  
5 statements about where Simpson and Soofi were, how they got  
6 those guns, and so forth, are material to that investigation.

7 Agent Whitson and Detective Nash interviewed the  
8 defendant together on May 5th, 2015. Important to remember.  
9 The defendant wasn't even a target of the investigation at  
10 that time. Everybody was being asked questions about these  
11 people.

12 Why? Because the agents wanted to figure out what  
13 happened and how.

14 The recording failed. But they wrote a report almost  
15 immediately thereafter while it was still fresh in their minds  
16 and using notes that they had created during the interview.

17 The defendant in that interview denied shooting in  
18 the desert with Simpson and Soofi.

19 He denied that Simpson and Soofi had fired those  
20 assault rifles before.

21 He denied knowing of the attack in advance.

22 And he denied even knowing of the contest until after  
23 the attack.

24 I have already described what all the witnesses said  
25 about the defendant's knowledge of that contest and how he

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 planned at some point to be a part of attacking it.

2 He repeated those lies again on June 10 in his  
3 interview. He told the agents: Until this happened, I didn't  
4 hear, I didn't know anything with that contest.

5 So that corroborates the fact that he said that  
6 before and showed that the agents were, in fact, telling the  
7 truth about what he said in that May 5 interview.

8 He testified here in court as well. He didn't know  
9 of the attack plan and he didn't know about the contest until  
10 after the attack.

11 But he also lied to you while he was on the witness  
12 stand. He claimed that he split that .38 Special ammunition  
13 purchase with Elton Simpson. Again, Exhibit 428.

14 We bought some ammunition and that was for me. It  
15 wasn't for him. It was for me.

16 Adamant.

17 He also claimed that he thought his felonies were old  
18 and they didn't count anymore, which is not an excuse, by the  
19 way. But in his interview he tells the agents:

20 I'm not a felon. That was under Decarus Thomas. My  
21 name is not Decarus Thomas. My name is not Decarus Thomas.

22 This is not an honest man.

23 Another lie from the witness stand. He claimed the  
24 first time he went to the Simpson and Soofi apartment was in  
25 February, 2015, because his water had to be turned off due to

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 a leak in his home.

2 You heard from Ms. Vaughan when she testified from  
3 the witness stand. She found videos related to a water leak  
4 in the defendant's Acer Aspire laptop computer. And lo and  
5 behold, the video that she found was shot in August of 2014,  
6 six months before February, 2015.

7 That's when he had the leak. That's when he had to  
8 have his water turned off. There were no other videos in 2015  
9 of such a recording. There were no messages or anything else  
10 related to a water leak in 2015.

11 The defendant also told you from the witness stand  
12 that somebody called him and told him that Simpson and Soofi  
13 bought AK rifles. And then later he said, no, no. It was two  
14 different calls; one for Simpson, one for Soofi.

15 He either heard from Simpson and Soofi about plans to  
16 shoot up a Marine base, as was testified to by Abdul Khabir  
17 Hyman, or he heard from AK Hyman -- or AK Wahid, excuse me --  
18 that Simpson and Soofi had told Wahid about that.

19 So one way or another, he knew that Simpson and Soofi  
20 had either discussed with him or discussed with AK intention  
21 to attack a Marine base.

22 This was vague and it wasn't important or relevant.  
23 What person in their right mind hears somebody who is their  
24 close friend talking about attacking a Marine base or hears of  
25 them planning to do it and then hears in a phone call that

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 they have acquired an AK rifle and doesn't have alarm bells go  
2 off? That's relevant. That's important.

3 One more lie. When he was on the witness stand the  
4 other day, the defendant told you that he didn't use that Acer  
5 laptop between somewhere in October or November of 2014  
6 through the end of May until his arrest in June of 2015.

7 He told you that something was wrong with it. It  
8 wasn't working and so he wasn't using it.

9 Members of the jury --

10 Can I switch to the document camera, please?

11 This is Exhibit 481. This is something that Agent  
12 Meshinsky talked to you about how he exported this item from  
13 the Acer Aspire laptop. This is the System Access Log. It's  
14 wireless access from the Acer Aspire laptop. And the first  
15 entry date on here is 2015 0122 at 62231.

16 In other words, January 22 of 2015, the Acer Aspire  
17 laptop was turned on. The name of the computer is Git PC and  
18 it accessed the Gravity 5.5 Smartphone.

19 So that computer was on and Abdul Kareem had his  
20 wireless phone in range of that computer tethered to it so  
21 that it could access the Internet. That's January 22nd.

22 This is about eight or nine pages here, somewhere in  
23 that neighborhood, but let's just fast forward to the end of  
24 May.

25 You have May 27th. The same thing. Connecting to

## CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

1 the Gravity, the Git PC. And, again, on May 30, 2015.

2 When Ms. Vaughan was testifying on the stand, she  
3 told you how she reviewed the Internet Search History from  
4 that computer and that computer was active all the way through  
5 the end of May, 2015, and this document establishes that.

6 So if we can switch back, please.

7 When the defendant told you from the witness stand  
8 under oath that he wasn't using that computer during that time  
9 frame, he was lying to you.

10 Why would he lie to you about that? Because he knows  
11 what was found. Only someone who is guilty lies during an  
12 interview. Only someone who's guilty gives false testimony  
13 under oath. He lied in his interviews and he lied on the  
14 witness stand, and he is, in fact, guilty here.

15 Something to keep in mind. No one from the  
16 government, not Ms. Brook in opening, not me during my  
17 closing, and not one single witness from the government has  
18 testified and called that man "the master mind."

19 Nobody has called him that. The only person that  
20 used that word was Mr. Maynard during his opening statement.

21 Okay. He's not a master mind, but he is a motivator,  
22 a trainer, and a bank roller. And you should find him guilty.

23 Thank you.

24 THE COURT: Thank you, Mr. Koehler.

25 (End of excerpt of proceedings.)



CR15-00707-SRB GOVERNMENT CLOSING ARGUMENT 3-11-16

## C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 26th day of May, 2016.

s/Elizabeth A. Lemke  
ELIZABETH A. LEMKE, RDR, CRR, CPE